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Docket#FAA-2000-8274

DEPT OF TRANSPORTATION

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date:12-14-00

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To: The Docket Management System  
U.S.Department of Transportation  
Room Plaza 401  
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Background: Russ Mann Aviation, Inc. was founded in October 1998 with a home equity loan due to a huge need of aerial advertising in the Nashville, Tenn. area. Previously Russ Mann flew for another aerial advertiser from 1993 till that company went into bankruptcy in December 1997. Russ Mann Aviation, Inc. has grown in revenues so far 2 times over since its start in just a couple of years. Since the arrival of the Nashville Titans demand for a quick display of company logos and banners has been great. Some of the Aerial advertising includes local car dealerships, area amusement parks, country music entertainers, area hotels, theatres, state and local officials running for office, marriage proposals, local racetracks, parades during the 4th and Christmas, music shows on area lakes, pharmaceutical companies, guitar factories, local radio and television stations. The advertising industry represents 4% of the gross national product. The sale of an aerial ad has a trickle down effect from the customer trying to sell his/her product, to the airport selling gas, to the line boy pumping gas, to the mechanic keeping the aircraft running, to the oil distributor, to the radio repairman, to the banner/billboard manufacturer, to the pilot, to the insurance agent, and then ultimately all the potential thousands and thousands of customers looking up to that aerial ad.

On behalf of the petition by the Dept. of Defense filed on May 20, 1999, their request for a temporary flight restriction to prohibit flights over sporting events needs to be reworded to not exclude the rights of the aerial advertising industry.

Most newly classified airspaces" prohibit" aerobatic maneuvers and excessive high speed maneuvers below 1500 feet above the ground and within clasified "C" airspace. The proposed rule in part 91 section 91.145 ask for a TFR at all sporting events. This seems to have merit but only gives the DOD free airspace without regards for the aerial advertising industry.

In our area most all major football games are located within the Class "C" Airspace at Nashville and due to that, we are required to meet the local Flight Standard District Office demands. A plan was developed by the Nashville FSDO (created by Robert Cope) to handle the safety issues with the anticipation of air traffic control problems related to the new football stadium. A meeting was called by the local FSDO for a mandatory meeting of all the anticipated aerial displays groups from the military to the Goodyear Blimps to the aerial advertisers. An open forum was called to discuss the heights of the buildings, to needed clearance heights, to radio frequencies to be used, to the left hand patterns/altitudes, to the routes to and from local airports for flights. Waivers were assigned to each company owner with the rules contained. The meeting was overall agreed to be a success without much due hardship and without any discrimination.

In regards to the Executive Order 12866(Regulatory Planning and Review), it appears the FAA was given the challenge to report if any devastating economic impact would be felt by any individuals or corporations. In my own personal view, it would completely destroy the major income for many aerial adverisers. NOTAMS were created years ago to disseminate pertinent information to the aviation community via Airport/Facility Directories and with the local Flight Service Station.

In regards to the Regulatory Flexibility Act of 1980, the FAA was given the task to gather information on the impact of economic hardships to any or all of the aviation community. As of this date, the FAA with only a couple of weeks left, has not formally contacted any of my fellow aerial advertisers or myself. Therefore, the demands have not been meet.

In regards to the International Trade Impact Analysis (Trade

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Agreement Act of 1979), I personally do not know any foreign aerial advertisers, but I'm sure there is one in this huge country.

In regards to the Unfunded Mandates Reform Act of 1995, I doubt it would create a \$100 Million expenditure in any one year on any State, local, and tribal governments. However, I believe it would create an undo burden on the local FSDO to have to write and review each applicant for a waiver for "each" sporting event as this new rule is stated. Currently, I have been given a waiver to last up to 24 months, and this has not been a burden for the local FSDO. Some of my customers call on the day before the local sporting event. With this in mind, there will not be any way to get a waiver for that customer within the prescribed 30 days as is stated in this proposal.

In regards to the local general aviation community, I have no problem with their participation in our "Adelphia Airspace" as long as they get briefed on the waivers for all parties involved. Most military flybys or parachute jumps only last 10 to 15 minutes usually at the start of the games. At present even the military is prohibited in "our sporting event" until they participate in the required FAA FSDO meeting. As I stated earlier, the system works here.

Therefore, in regards to the Docket # FAA-2000-8274, I hope you take more time to evaluate the damage to our industry that this rule would do.

Formally,

A handwritten signature in cursive script, appearing to read "Russ Mann".

RUSS MANN AVIATION, INC.  
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